

## § 16.20.100 TEMPORARY USE PERMIT.

### **A. Purpose.**

A temporary use permit authorizes the temporary use of land and structures for certain events and structures that are non-permanent in nature. A temporary use permit authorizes only those temporary uses that occur entirely on a zoning lot. Temporary uses located within the public right-of-way are regulated separately by the roadway jurisdiction.

### **B. Initiation.**

Applications for temporary use permits may be initiated by the property owner or other person expressly authorized in writing by the property owner.

### **C. Authority.**

The Zoning Enforcement Officer is responsible for determining compliance with this Ordinance and issuing a temporary use permit.

### **D. Procedure.**

1. An application for a temporary use permit shall be filed with the Zoning Enforcement Officer in accordance with the requirements in § 16.16.020 (Application) [see excerpt below] at least 30 days in advance of the date of the event.

2. The Zoning Enforcement Officer may grant temporary use permits for those temporary uses listed in § 16.56.040 (Temporary Use Standards) when it is determined that the proposed temporary use complies with all requirements of this Ordinance and the standards of subsection E. below (Standards). Unless otherwise permitted by this Ordinance, every temporary use or structure shall comply with the bulk requirements applicable in the district in which it is located.

3. Every temporary use shall comply with this Ordinance and all local regulations. The Zoning Enforcement Officer or County Board may impose other conditions as part of the temporary use permit approval to achieve the purposes of this Ordinance and to protect the public health, safety, and welfare.

4. Multiple event periods require a temporary use permit for each scheduled event.

5. The temporary use permit is issued for the days of the event. A temporary use permit is not required for the additional days necessary for event set-up or clean-up.

### **E. Standards.**

Every application for temporary use shall include sufficient documentation to show compliance with the following standards:

1. The temporary use will not cause or threaten to cause an on-site or off-site threat to the public health, safety, and welfare.

2. The temporary use will be operated in accordance with fire department restrictions and conditions.

3. The additional vehicular traffic reasonably expected to be generated by a temporary use will not have undue detrimental effects on surrounding streets and uses, and does not block handicapped or fire lanes.

4. The temporary use will not unreasonably reduce the amount of parking spaces available for use in connection with any permanent uses located on the lot in question.
5. The temporary use will not conflict with another previously authorized temporary use for the same site.
6. Provisions have been made for waste disposal (solid and human) and for clearing debris, to be approved by the Department of Health.
7. Temporary food establishments will be operated in accordance with County ordinances, to be approved by the Department of Health.
8. A security plan acceptable to the McHenry County Sheriff with security personnel provided by an Illinois-licensed security contractor agency licensed by the State of Illinois Department of Financial and Professional Regulations to provide such security services, or by the Sheriff's Department.
9. The location of paved or graded ingress and egress for emergency, police, and regulatory traffic, including parking areas and traffic control locations.
10. General liability insurance is required for all temporary use events. If the temporary use permit is for a fireworks display, the County shall be listed as a named insured. Additionally, dram shop insurance is required for any temporary use event at which liquor is to be sold.
11. If applicable, the appropriate liquor license, issued pursuant to the McHenry County Liquor Control Ordinance.
12. All other state and/or federal permits have been issued, as required.
13. The maximum number of persons to be on-site per day, including participants and spectators.
14. All structures used for a temporary use meet the building-code requirements for that occupancy.
15. The time required for event set-up and tear-down is specified and reasonable.
16. All temporary use events with an anticipated attendance of greater than 2,500 shall have an Incident Action Plan approved by the McHenry County Emergency Management Agency. The Incident Action Plan shall include law enforcement, fire, public health, and public works/transportation roles and responsibilities during the operational periods of the event. The McHenry County Emergency Management Agency will coordinate development of the Incident Action Plan with the applicant and appropriate agencies.

#### **F. Violations.**

Noncompliance with this section or violation of any terms of a temporary use permit may result in the reduction of the number of temporary use permits for which a property is eligible in a calendar year, or in a prohibition on additional temporary use permits being granted for that property for a period of one (1) year from the date of the noncompliance or violation.

(Ord. O-201410-10-035, passed 10-14-2014; Ord. O-201601-ZBA-006, passed 1-19-2016; Ord. O-201603-ZBA-010, passed 3-17-2016, § 5.10; Ord. O-201803-ZBA-10-08, passed 3-19-2018; Ord. O-201808-10-033, passed 8-21-2018)

## § 16.16.020 APPLICATION [Excerpt].

### A. Authorization.

1. A zoning application for a zoning variation, administrative variation, conditional use permit, site plan review, sign permit, temporary use permit, or zoning appeal may be filed by a property owner or other person expressly authorized by the owner in writing. A zoning application for a zoning interpretation or a zoning text or map amendment may be filed by a property owner, or other person expressly authorized by the owner, in a notarized letter of authorization, or by the Planning and Development Committee.

2. All applications, except applications initiated by the Planning and Development Committee, shall be brought in the name of the record title owner or the owner(s) of the beneficial interest through authorized agents. If a contract purchaser or tenant is involved, either with or without a contingent right, the contract purchaser or tenant shall be revealed and become a second party to the petition. Such contract purchaser or tenant may not file without the owner.

(Ord. O-201410-10-035, passed 10-14-2014; Ord. O-201601-ZBA-006, passed 1-19-2016; Ord. O-201603-ZBA-010, passed 3-17-2016, § 4.5; Ord. O-201803-ZBA-10-08, passed 3-19-2018; Ord. O-201808-10-033, passed 8-21-2018)